

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NAME: _____ VS. _____
CASE NUMBER: _____

ADVANCE TRIAL REVIEW ORDER MADE **BY DEPARTMENT 70** ON _____
BY THE **HONORABLE CAROLYN M. CAIETTI**

Trial counsel for the parties are ordered to meet in person within the County of San Diego at least three (3) **court** days before the initial trial call date for the purpose of arriving at stipulations and agreements resulting in the simplification of triable issues. At the meeting, the following information shall be prepared, displayed and/or exchanged:

EVIDENCE / EXHIBITS

1. Counsel shall produce and pre-mark all exhibits the parties seek leave of Court to introduce at trial. Counsel shall prepare a joint numerical index of all exhibits for submission to the trial judge. There shall be no subparts to an exhibit. An exhibit consisting of more than one page shall be marked as one exhibit and each page Bates stamped. The index shall indicate: 1) the exhibit number; 2) by whom the exhibit is being offered; 3) a brief description of the exhibit; 4) whether the parties have stipulated to admissibility, and, if not; 5) the legal ground(s) for objection(s) that the objecting party intends in good faith to rely on at trial. The index shall be submitted in triplicate. Exhibits not included in the index are subject to exclusion at trial, **true** impeachment exhibits excepted. The brown exhibit tags must be completed and attached on the lower right hand corner of each exhibit.
2. The original deposition transcripts of all depositions which may be used at trial for any purpose shall be lodged with the Court prior to trial along with a list of any changes made by the deponent after the taking of the deposition.
3. If deposition testimony is intended to be used in lieu of live testimony, counsel shall submit the proposed excerpts to opposing counsel at the above meeting. Counsel shall make a good faith effort to resolve any objections. Any remaining objections shall be brought to the Court's attention prior to the start of trial. It shall be the responsibility of the proponent of the evidence to prepare clean copies of the excerpts, which shall include the beginning and ending page and line numbers, to be given to the trial judge and placed in the record to eliminate the need of reporting the reading of the testimony. Any problems in this regard shall be brought to the Court's attention prior to the start of trial.
4. Any audio or video recordings and any electronic demonstrative aids intended to be used at trial must be accompanied by a written transcript prepared by the proponent of this evidence. Counsel are to meet and confer regarding any disputes as to the accuracy of the transcript (See CRC 2.1040) with any problems brought to the Court's attention prior to the start of trial.
5. Each party seeking monetary damages shall prepare a summary of the documentary evidence supporting the damages sought (i.e., medical bills, accounts, etc.) which shall be included in the exhibit summary and submitted at

trial in lieu of the underlying documentary evidence in accordance with Evidence Code § 1521.

STATEMENT OF CASE/WITNESS LIST

6. Counsel shall **jointly** prepare a brief **non-argumentative** summary of the factual nature of the case; including a brief summary of plaintiff's injuries, if applicable, for submission to the judge. The purpose of the summary is to provide an overview of the case to the jury. The statement shall include a **joint** list of the complete names in alphabetical order of all witnesses who are likely to be called or referenced during trial. The joint witness list shall be submitted in triplicate.

VOIR DIRE

7. If counsel wish to expand the scope of the judge's initial voir dire beyond the Judicial Council questions found in Judicial Administration Standard 3.25(c), they shall prepare written questions for submission to the trial judge. These written questions shall be submitted to opposing counsel no later than the above meeting. Duplicate questions shall be eliminated.

JURY INSTRUCTIONS

8. Counsel shall prepare a **joint** set of jury instructions. This set shall consist of one package of instructions for all parties. Judicial Council Civil Jury Instructions (CACI) are preferred. These instructions are available at: www.courtinfo.ca.gov/jury/civiljuryinstructions and in the CACI books. The instructions shall be in the order they are to be given. Any objections to instructions shall be identified by a post-it note, which identifies the objecting party. Counsel may propose alternative jury instructions. When alternative instructions are presented, those instructions shall be successive instructions in the joint instruction package. The submission of a list of CACI numbers is not acceptable. Neither are multiple packages of instructions acceptable, whether arranged by parties, objections, or some other method. The full text of all proposed instructions must be presented to the trial judge at or before the time of the trial call. If CACI instructions are used, all blanks shall be filled in and all bracketed material that is not applicable shall be deleted.
9. Jury instructions not listed in the parties' Joint Trial Readiness Conference Report and prepared in accordance with the above order are subject to exclusion at trial.
10. _____ [name of party] waived its right to trial by jury by failing to post fees timely. [CCP § 631(b), (f)(5)]

FILING DEADLINES / READINESS

11. Motions in Limine shall be prepared, filed and faxed (in accordance with California Rules of Court, Rule 2.306, Local Rule 2.1.18) or personally served at least five (5) **court** days in advance of the Friday trial call. Opposition papers, if any, shall be filed and served at least two (2) court days before the scheduled Friday trial call. Counsel are urged to file trial briefs according to the same schedule. Service

by electronic or facsimile transmission is authorized and deemed same-day personal service. See San Diego Local Rule 2.1.18.

12. Motions In Limine and Oppositions shall be properly identified to include the moving party, description of the nature of the motion, and shall be numbered sequentially, indicating the total number of Motions In Limine submitted by the moving party. Example: "Plaintiff Jane Doe's Motion In Limine to Exclude the Testimony of Joe Expert, [No. 1 of 6]", "Defendant Richard Roe's Opposition to Plaintiff Jane Doe's Motion In Limine to Exclude Testimony of Joe Expert [No. 1]."

WITNESSES / READINESS

13. Trial will not be delayed to accommodate witness scheduling problems. In the absence of extraordinary circumstances, the party will be deemed to have concluded the presentation of his / her case once the examination of available witnesses is concluded.
14. Witnesses not listed on the parties' Joint Trial Readiness Conference Report are subject to exclusion at trial.
15. Counsel shall prepare a Witness Time Estimate and submit to the Court on the first day of trial.
16. The stipulation for release of exhibits shall be signed by counsel for all parties and filed with the Court at the time of trial call.
17. Each counsel is ordered to telephone the court clerk at (619) 450-7070 prior to 10:00 a.m. on the day before the initial trial call date to report: 1) their readiness for trial; 2) the estimated trial length; and 3) whether a jury will be required.

ADDITIONAL ORDERS

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| <u> X </u> | EACH OF THE DOCUMENTS REQUESTED IN THIS ADVANCE TRIAL REVIEW ORDER SHALL BE SUBMITTED TO THE COURT ON THE FIRST DAY OF TRIAL. |
| <u> X </u> | THE PARTIES WILL REVIEW AND COMPLY WITH THE TRIAL REQUIREMENTS WHICH MAY BE OBTAINED FROM THE COURT WEBSITE FOR DEPARTMENT 70. |
| <u> X </u> | FAILURE OF COUNSEL FOR ANY PARTY TO COMPLY WITH THE ABOVE ORDERS MAY RESULT IN THE EXCLUSION OF EVIDENCE OR BE CONSIDERED AN ABANDONMENT OR FAILURE TO PROSECUTE OR DEFEND DILIGENTLY. ACCORDINGLY, JUDGMENT MAY BE ENTERED AGAINST THE DEFAULTING PARTY, EITHER WITH RESPECT TO A SPECIFIC ISSUE OR ON THE ENTIRE CASE. IF COMPLIANCE WITH ANY PART OF THIS ORDER BECOMES UNDULY BURDENSOME, THAT FACT SHALL BE BROUGHT TO THE JUDGE'S ATTENTION IMMEDIATELY. |

X

**WE, THE UNDERSIGNED ATTORNEYS OF RECORD IN THIS CASE,
HAVE READ AND UNDERSTAND THE ABOVE ADVANCE TRIAL
REVIEW ORDERS:**

Signature of Counsel:

Counsel for [name of client]:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IT IS SO ORDERED:

DATED: _____

**CAROLYN M. CAIETTI
JUDGE OF THE SUPERIOR COURT**